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COMMENTS AND RESPONSE

In view of the comments below, Applicants respectfully requests that the Examiner reconsider the present application including rejected claims, as amended, and withdraw the claim rejections.

Priority

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

Information Disclosure Statement

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on March 25, 2004.

Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a) as allegedly failing to show every feature of the invention specified in the claims. In particular, the Examiner has asserted that the plurality of gas passages recited in claims 6 and 17 must be shown or the features cancelled from the claims.

By this response Applicants have amended claims 6 and 17 to recite "a gas passage" rather than "a plurality of gas passages." A single gas passage is shown, by way of example, in the gas passage 29 in Applicants' FIG. 7.

Based on this amendment, Applicants assert that they have overcome the Examiner's drawings rejection and ask that it be withdrawn.

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Claim Rejections 35 USC § 112

The Examiner has rejected claims 1-19 under 35 U.S.C. § 112, second paragraph, and being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In particular, the Examiner has asserted that the language "a portion of the airbag corresponding to an elbow portion of an occupant of the seat," used in claim 1, lines 10-12, and claim 11, lines 10-12, is indefinite because it references a location of a particular part of the airbag based on a variable object.

By this response Applicants have amended claims 1 and 11 to eliminate this language. Claims 1 and 11 now simply refer to "a portion of the airbag."

In addition, the Examiner has asserted that she does not understand what is meant by the language "among the lumbar region, the chest, the shoulders, and the head of an occupant" recited in claims 2 and 4.

By this response Applicants have cancelled claims 2 and 4, thus rendering moot this portion of the rejection.

In amended claim 1, Applicants have added the language "for protecting at least the lumbar region and the chest of the occupant." Applicants submit that it is clear what this language means.

Based on the above amendments Applicants submit that claims 1-19 are fully definite and meet the requirements of 35 U.S.C. § 112, second paragraph. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

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Allowable Subject Matter

The Examiner has indicated that claims 3 and 14 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include the limitations of their base claim and any intervening claims.

By this response, Applicants have cancelled claims 3 and 14 and have incorporated their limitations, and those of intervening claims 2 and 13, respectively into independent claims 1 and 11. Based on this, amended claims 1 and 11 should be allowable.

Claim Rejections 35 USC § 102

The Examiner has rejected claims 1, 4, 6, 11, and 15 under 35 U.S.C. § 102(b) as being allegedly anticipated by JP 3013763. Applicants respectfully traverse this rejection.

By this response Applicants have cancelled claim 4, thus rendering moot this rejection as it pertains to this claim.

In addition, in an effort to expedite prosecution, and in no way acquiescing to this rejection, Applicants have amended claim 1 to incorporate the limitations of claims 2 and 3, and have amended claim 11 to incorporate the limitations of claims 13 and 14. Since the Examiner indicated that claims 3 and 14 were allowable (the rejections under 35 U.S.C. § 112, second paragraph, being addressed above), this places claims 1 and 11 in a condition that the Examiner has indicated is allowable.

Claim 6 depends from claim 1 and is allowable for at least the reasons given above for claim 1. Claim 15 depends from claim 11 and is allowable for at least the reasons given above for claim 11.

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Therefore, for at least the reasons given above, Applicants request that the Examiner withdraw the rejection of claims 1, 4, 6, 11, and 15 under 35 U.S.C. § 102(b) as being allegedly anticipated by JP 3013763.

The Examiner has rejected claims 1, 2, 6, 8-10, 11, 12, 13, 17, and 19 under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Published Patent Application No. 2003/0168836 to Sato et al. ("Sato"). Applicants respectfully traverse this rejection.

By this response Applicants have cancelled claims 2 and 13, thus rendering moot this rejection as it pertains to these claims.

As noted above, Applicants have amended claim 1 to incorporate the limitations of claims 2 and 3, and have amended claim 11 to incorporate the limitations of claims 13 and 14, thus placing claims 1 and 11 in a condition that the Examiner has indicated is allowable.

Claims 6 and 8-10 depend variously from claim 1 and are allowable for at least the reasons given above for claim 1. Claims 12, 17, and 19 depend from claim 11 and are allowable for at least the reasons given above for claim 11.

Therefore, for at least the reasons given above, Applicants request that the Examiner withdraw the rejection of claims 1, 2, 6, 8-10, 11, 12, 13, 17, and 19 under 35 U.S.C. § 102(e) as being allegedly anticipated by Sato.

Claim Rejections 35 USC § 103

The Examiner has rejected claims 5 and 16 under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 3013763 in view of JP 11-180244 A to Sakamoto et al. ("Sakamoto"). Applicants respectfully traverse this rejection.

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Claim 5 depends from claim 1 and is allowable for at least the reasons given above for claim 1. Claim 16 depends from claim 11 and is allowable for at least the reasons given above for claim 11. Since the Examiner indicated that the material in claims 3 and 14 was allowable, she acknowledged that it was not contained in any of the cited references.

Therefore, for at least the reasons given above, Applicants request that the Examiner withdraw the rejection of claims 5 and 16 under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 3013763 in view of Sakamoto.

The Examiner has rejected claims 5, 7, 16, and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 3013763 in view of United States Patent No. 5,566,977 to Wipasuramonton. ("Wipasuramonton"). Applicants respectfully traverse this rejection.

Claims 5 and 7 depend from claim 1 and are allowable for at least the reasons given above for claim 1. Claims 16 and 18 depend from claim 11 and are allowable for at least the reasons given above for claim 11. Since the Examiner indicated that the material in claims 3 and 14 was allowable, she acknowledged that it was not contained in any of the cited references.

Therefore, for at least the reasons given above, Applicants request that the Examiner withdraw the rejection of claims 5, 7, 16, and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 3013763 in view of Wipasuramonton.

Conclusion

Accordingly, Applicants respectfully submit that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such are deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions, comments, or questions, calls are welcome at the telephone number below.

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Although it is not anticipated that any additional fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully Submitted,



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